

Eva M. Weiler (SBN: 233942)
eweiler@shb.com
SHOOK, HARDY & BACON L.L.P.
5 Park Plaza, Suite 1600
Irvine, CA 92614
Phone: (949) 475-1500 / Fax: (949) 475-0016

Attorney for Defendant Gilead Sciences, Inc.

[Additional Counsel Listed on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ADRIAN HOLLEY, et al..

Plaintiffs,

VS.

GILEAD SCIENCES, INC.,

Defendant.

This Motion relates to Plaintiff Darren Johnson, whose claim was originally filed in Johnson, D., et al. v. Gilead Sciences, Inc., Case No. 3:23-cv-01439-JST

Case No. 4:18-cv-06972-JST

**DECLARATION OF EVA M. WEILER IN
SUPPORT OF DEFENDANT GILEAD
SCIENCES, INC.'S FIFTH MOTION TO
DISMISS PLAINTIFF'S CLAIMS FOR
FAILURE TO RESPOND TO PLAINTIFF
FACT SHEET DEFICIENCY NOTICE**

Assigned to: Hon. Jon S. Tigar
Hearing Date: August 15, 2024
Hearing Time: 2:00 p.m. PT
Location: Courtroom 6
(by videoconference)

DECLARATION OF EVA M. WEILER

I, Eva M. Weiler, declare as follows:

1. I am an attorney with Shook, Hardy and Bacon, LLP, counsel of record for Defendant Gilead Sciences, Inc. ("Gilead"), and am admitted *pro hac vice* to practice before this Court. I have personal knowledge of the matters set forth below and, if called upon to testify, I could and would testify competently as follows:

1 2. Gilead emailed Plaintiff's counsel on May 29, 2024, indicating its intent to move to
2 dismiss Plaintiff for failing to respond to Gilead's PFS deficiency notice and inviting counsel to meet
3 and confer. Gilead received no response to this invitation.

4 3. Attached hereto as Exhibit A is a true and correct copy of the PFS deficiency notice
5 that Gilead sent to Plaintiff on April 15, 2024, after Gilead's review of the Plaintiff's PFS.

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct. Executed on the 20th day of June, 2024, in Irvine, California.

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11 /s/ Eva M. Weiler
12 Eva M. Weiler
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June, 2024, I electronically filed the foregoing with the Court using the CM/ECF system, and thereby delivered the foregoing by electronic means to all counsel of record.

/s/ *Eva M. Weiler*

Eva M. Weiler

[PROPOSED] ORDER

The Court has considered the papers in support of and in opposition to Defendant Gilead Sciences, Inc.’s (“Gilead’s”) motion to dismiss the claims of Plaintiff Darren Johnson for failure to respond to Gilead’s Plaintiff Fact Sheet (“PFS”) deficiency notice as required by the provisions of the Court’s Case Management Order on Plaintiff Fact Sheets and Document Productions (ECF No. 83) and the Court’s Amended Scheduling Order (ECF No. 278) (“Motion”).

GOOD CAUSE APPEARING, including Gilead notifying Plaintiff of their failure to respond, service of the notice of the Motion, and Plaintiff's continued failure respond to Gilead's PFS deficiency notices,

IT IS HEREBY ORDERED that Gilead's Motion is **GRANTED**;

IT IS FURTHER ORDERED that the above-captioned action or actions consolidated therewith are dismissed without prejudice, under Federal Rules of Civil Procedure 37(b)(2)(A)(v) and 41(b), as to Plaintiff Darren Johnson.

IT IS SO ORDERED.

Dated:

Honorable Jon S. Tigar